

R E M A R K S

Rejection was made to claims 34-36 and 39 under the judicially created doctrine of double patenting over claims 1-5 of U.S. Patent Application No. 6,423,249. Applicant has attached to this response a provisional terminal disclaimer that complies with 37 CFR 1.321 (c).

CONCLUSION

Accordingly, it is believed that all claims are now in condition for allowance, and therefore reconsideration and allowance are earnestly solicited. If the Examiner feels that a telephone conference would expedite prosecution of this case, or resolve any remaining issues, the Examiner is invited to contact the undersigned at (617) 856-8369.

Respectfully submitted,

By: Brian Michaelis  
Brian L Michaelis  
Reg. No. 34,221  
Attorney for Applicant  
Brown Rudnick Berlack Israels LLP  
One Financial Center  
Boston, MA 02111  
Tel: 617-856-8369  
Fax: 617-856-8201